

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CLAYTON A. WHITMORE,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 3:21-cv-05099-RAJ

~~PROPOSED~~ ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand from the court, the Appeals Council will instruct the Administrative Law Judge (ALJ) as follows. The ALJ will further develop the record, offer Plaintiff the opportunity for a new hearing, and issue a new decision. The ALJ will reevaluate and consider the medical evidence of record, including, but not limited to, the opinions from Bradley Roter, M.D., and Judith Milner, M.D. The ALJ will reevaluate Plaintiff's subjective complaints and further consider the nature and severity of his impairments, including

1 headaches, insomnia, sleep apnea and obesity, and their combined effect. The ALJ will reassess  
2 Plaintiff's residual functional capacity and continue the sequential evaluation process, obtaining  
3 vocational expert evidence as warranted.

4 Judgment shall be entered for Plaintiff. Upon proper presentation, the Court will consider  
5 whether reasonable attorney fees, costs, and expenses should be awarded pursuant to the Equal  
6 Access to Justice Act, 28 U.S.C. § 2412(d); 28 U.S.C. § 1920.

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8 DATED this 16<sup>th</sup> day of September, 2021.

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10 The Honorable Richard A. Jones  
11 United States District Judge  
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